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**From:** Neugeboren, Steven [Neugeboren.Steven@epa.gov]  
**Sent:** 7/18/2019 6:33:28 PM  
**To:** Kupchan, Simma [Kupchan.Simma@epa.gov]; Wade, Alexis [Wade.Alexis@epa.gov]  
**Subject:** RE: Response to FL DEP White Paper on ESA Consultation for 404 Assumption

I think two would be ideal. My window is tight Wednesday morning . . . . Given short timing and how you busy you both are I'd like to help minimize transaction costs with program in your preparation of the paper and plan to mention that to John at happy hour tonight.

Steve Neugeboren  
Associate General Counsel for Water  
U.S. EPA  
1200 Pennsylvania Ave., NW  
Washington, DC 20460  
202 (564-5488)

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**From:** Kupchan, Simma  
**Sent:** Thursday, July 18, 2019 2:29 PM  
**To:** Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>  
**Subject:** RE: Response to FL DEP White Paper on ESA Consultation for 404 Assumption

Sure. I can do that while Alexis churns on the papers. Do you want me to set up two pre-briefs, one just for you and maybe one on Wednesday morning with OWOW, or do you prefer one altogether? I don't have any strong views.

(We will be sending them our draft briefing paper to solicit their input on that, regardless.)

Simma Kupchan  
EPA Office of General Counsel  
Water Law Office  
WJC North Building # 7426Q  
202-564-3105

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**From:** Neugeboren, Steven  
**Sent:** Thursday, July 18, 2019 2:25 PM  
**To:** Wade, Alexis <Wade.Alexis@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>  
**Cc:** Marshall, Tom <marshall.tom@epa.gov>; Siegal, Tod <Siegal.Tod@epa.gov>; Simons, Andrew <Simons.Andrew@epa.gov>  
**Subject:** RE: Response to FL DEP White Paper on ESA Consultation for 404 Assumption

I forwarded next week's briefing to Tom and Tod.

Alexis/Simma – can you please work to set up appropriate pre-brief with me and CCILO and as needed with OWOW. I imagine we'd want to meet by Tuesday.

Steve Neugeboren  
Associate General Counsel for Water  
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-----Original Appointment-----

**From:** Mutz, John (Fletcher) **On Behalf Of** Leopold, Matt (OGC)

**Sent:** Thursday, July 18, 2019 1:27 PM

**To:** Fotouhi, David; Ross, David P; Neugeboren, Steven; Wehling, Carrie; Kupchan, Simma; Wade, Alexis; Goodin, John; Eisenberg, Mindy; Frazer, Brian; McDavit, Michael W.; Hurlid, Kathy

**Subject:** Response to FL DEP White Paper on ESA Consultation for 404 Assumption

**When:** Wednesday, July 24, 2019 4:00 PM-5:00 PM (UTC-05:00) Eastern Time (US & Canada).

**Where:** DCRoomARN4045/DC-Ariel-Rios-OGC

# Ex. 5 AC/DP